

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of October 5, 2004 in which the Examiner (1) allowed claims 31-38; (2) rejected claims 1-4, 10-14, and 21-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,959,953 ("**Alon**"); and (3) objected to claims 5-9, 15-20 and 25-30 as being dependent upon a rejected base claim.

By the present Amendment, claims 1, 6, 11, 16, 17, 21, 26 and 29 have been amended, and claims 5, 15 and 25 have been canceled. New claims 39 - 42 have been added.

It is believed all claims presently pending are distinguishable from **Alon**. Claim 1 now incorporates the subject matter of dependent claim 5, claim 11 now incorporates the subject matter of dependent claim 15, and 21 now incorporates the subject matter of dependent claim 25. Inasmuch as dependent claims 5, 11, and 25 were indicted as allowable (if rewritten in independent form), it is believed claims 1, 11 and 21 would be allowable for the same reasons.

New claim 39 recites an apparatus having a plurality of split photodetector elements and a cross-talk cancellation apparatus. The cross-talk cancellation apparatus determines the track offset, verifies if the track offset is below or above a threshold value, and applies cross-talk cancellation to correct cross-talk and jitter for the output signal of at least one of the photodetector elements according to the track offset. Such claimed subject matter, particularly the feature of a track offset threshold being used to correct cross-talk and jitter, is not disclosed, taught, or suggested by **Alon**, and is thus believed allowable over **Alon**.

All dependent claims now depend either from claims that were indicated as allowable by the Examiner, or in the case of claims 40 - 42, from claim 39 (which is clearly distinguishable from **Alon**), and are thus believed in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

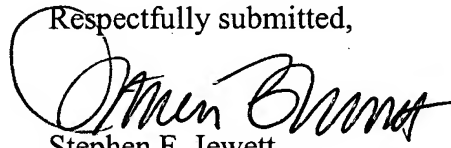
Appl. No. 10/045,208
Amdt. dated March 4, 2005
Reply to Office Action of October 5, 2004

PATENT

Please charge Deposit Account No. 24-1430 the \$450 fee for a two-month extension of time under 37 C.F.R. §1.13(a)(1). Should any additional fees be required, please charge the above-identified deposit account for such fees.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Stephen F. Jewett
Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:bhr
60423087 v1